

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

LAURENCE BURTON and JANET BURTON,  
husband and wife,

Plaintiffs,

vs.

SHELLPOINT MORTGAGE SERVICING,  
BANK OF NEW YORK MELLON FKA THE  
BANK OF NEW YORK AS TRUSTEE FOR  
THE CERTIFICATE HOLDERS OF THE  
CWABS, INC., ASSET-BACKED  
CERTIFICATES, SERIES 2005-AB5, and  
BANK OF AMERICA, N.A.,

Defendants.

Case No. 3:15-cv-05769-RBL

**DECLARATION OF DONALD G.  
GRANT IN SUPPORT OF  
DEFENDANT NEW PENN  
FINANCIAL, LLC D/B/A SHELLPOINT  
MORTGAGE SERVICING'S MOTION  
TO DISMISS**

Hon. Ronald B. Leighton

I, Donald G. Grant, declare:

1. I am a Partner at Donald G. Grant, P.S., counsel of record for defendant New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing. I am over the age of 18 and am competent to testify to the facts declared below, and could testify truthfully to them if required.

2. Attached as **Exhibit A** is a true and correct copy of a Deed of Trust executed by Plaintiffs Laurence N. and Janet K. Burton, and recorded in Pierce County, Washington on October 28, 2005.

3. Attached as **Exhibit B** is a true and correct copy of a Corporation Assignment of Deed of Trust, assigning the beneficial interest under the Deed of Trust to Mortgage Electronic Registration Systems, recorded in Pierce County, Washington on January 26, 2006.

4. Attached as **Exhibit C** is a true and correct copy of a Loan Modification Agreement To The Deed of Trust, correcting the property address of the subject property, recorded in Pierce County, Washington on January 19, 2011.

5. Attached as **Exhibit D** is a true and correct copy of an Assignment of Deed of Trust, assigning the beneficial interest in the Deed of Trust to The Bank Of New York Mellon f/k/a The Bank of New York as Trustee for the Certificate Holders of the CWABS, Inc., asset-backed Certificates, Series 2005-AB5, recorded in Pierce County, Washington on October 17, 2011.

6. Attached as **Exhibit E** is a true and correct copy of the complaint filed on or about October 3, 2014 by Plaintiffs against moving defendant New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing and defendants Resurgent Capital Services, L.P. d/b/a Resurgent Mortgage Servicing, and The Bank Of New York Mellon f/k/a The Bank of New York as Trustee for the Certificate Holders of the CWABS, Inc., asset-backed Certificates, Series 2005-AB5 at Pierce County Case No. 14-2-12817-2, Dkt. #1, Western District Case No. 3:14-cv-06027-RBL.

7. Attached as **Exhibit F** is a true and correct copy of the order issued on or about February 23, 2015 dismissing Case No. 3:14-cv-06027-RBL with prejudice.

8. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on April 8, 2016, at Washougal, Washington.

/s/ Donald G. Grant  
Donald G. Grant

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8th day of April, 2016,

1. I caused to be electronically filed the foregoing DEFENDANT NEW PENN FINANCIAL, LLC D/B/A SHELLPOINT MORTGAGE SERVICING'S MOTION TO DISMISS with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Steven J. Dixon: [sjd@witherspoonkelley.com](mailto:sjd@witherspoonkelley.com); [aliciaa@witherspoonkelley.com](mailto:aliciaa@witherspoonkelley.com)  
Daniel J. Gibbons: [djg@witherspoonkelley.com](mailto:djg@witherspoonkelley.com); [leer@witherspoonkelley.com](mailto:leer@witherspoonkelley.com)  
Jill J. Smith: [jill.smith@naturalresourcelawgroup.com](mailto:jill.smith@naturalresourcelawgroup.com) and [jjsattorney@gmail.com](mailto:jjsattorney@gmail.com)

2. I hereby certify that I have mailed by United States Postal Service the foregoing document to the following non-CM/ECF participants at the address listed below (email address supplied at request of court, not used for service): **None**.

3. I hereby certify that I have mailed by United States Postal Service the document to the following CM/ECF participants at the address listed below: **None**.

4. I hereby certify that I have hand-delivered the document to the following participants at the addresses listed below: **None**.

*/s/ Donald G. Grant*  
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